IN THE HIGH COURT OF CHHATTISGARH
AT BILASPUR

WRIT PETITION No. 1590/2002

PETITIONERS :

1. Bajrang, S/o Dokari,
   aged about 65 years,
   by caste - Kanwar,
   occupation : Agriculturist
   R/o Gram Dadar Khurd,
   Korba (C.G.)
2. Dhan Kanwar, S/o Dhanau,
   aged about 60 years,
   by caste - Kanwar,
   occupation : Agriculturist
   R/o Gram Mudhunara,
   Korba (C.G.)
3. Mangli, D/o Ratho,
   aged about 60 years,
   by caste - Kanwar,
   occupation : Agriculturist
   R/o Hathimuda, Korba (C.G.)

P.R. No. 1590/02
Presented by Shri Bhuvaneshwar Sharan Dubey
dated 06.08.02

VERSUS

RESPONDENTS

1. State of Chhattisgarh
   through Collector,
   Korba (C.G.)
2. Commissioner,
   Municipal Corporation,
   Korba (C.G.)
3. President
   Gram Development Committee
   Dadarkhurd, Korba (C.G.)
4. Secretary
   Gram Development Committee
   Dadarkhurd, Korba (C.G.)

INSPECTED COPY

(4)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(27)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.1590/02 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

1/8/2003

Shri Gurudev Sharan for the petitioners.

Shri Gautam Bhaduri, Dy.A.G., for respondent no.1.

Shri Sanjay K. Agrawal for respondent no.2.

None for other respondents.

Applications for urgent hearing are allowed.

Heard.

The petitioner's contention is that the agricultural land belonging to the petitioners has been bulldozed. It is also contended that he has been deprived of the cultivate land and even compensation for damages has not been paid. Learned counsel for the petitioners submits that the proceedings under Section 248 of the abovesaid Code have been started after the filing of the present writ petition.

Return has been filed by the respondent no.1, which has been adopted by respondent no.2.

It is stated in the return that out of the disputed area three acres of land has been earmarked for middle school

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(28)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

WP No. 1590/02

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

bhawan alongwith playground, which has been encroached by the petitioners and the same has been cleared. The proceedings under Section 248 of the C.G. Land Revenue Code have been started against the petitioners. The stand is taken by the respondents in paras 3 and 4 of the return. The petitioners may file the reply in the said proceedings.

Having heard the learned counsel for the parties, it is clear that much will depend upon as to whether the area bulldozed belongs to the petitioner or not. It would require determination as to whether the area is encroached one or not. This can well be determined by demarcation and proper measurement to be done by the competent authority authorised by the Collector. The same be got demarcated and properly measured in presence of the parties including the petitioners at the earliest preferably within a month.

So far as the compensation is concerned, that may be considered after the demarcation is done and if after the

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(89)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP No. 1590/02 सन् 200

विरुद्ध

आदेश का दिनांक आदेश [illegible] हित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

demarcation it is found that the petitioners' land has been bulldozed, the State to do the needful.

If any grievance subsists, the parties, if so advised, may file the suit alongwith a suitable application, taking all such grounds, which are available and in case such a suit is filed it shall be decided on its own merits in accordance with law.

With the aforesaid observations, this petition stands disposed of at this stage.

Consequently, M.W.P. No.713/02 stands disposed of.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

Hande/-

[पीछे देखिये